

**MASSACHUSETTS CLIENTS' SECURITY BOARD**  
**OF THE**  
**SUPREME JUDICIAL COURT**



**ANNUAL REPORT**  
**TO THE**  
**SUPREME JUDICIAL COURT**  
**FISCAL YEAR 2002**

**September 1, 2001 – August 31, 2002**



**CLIENTS' SECURITY BOARD**  
*of the Supreme Judicial Court*  
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ADAM M. LUTYNSKI

August 30, 2002

Dear Reader:

Reporting about the Board's activities during my term as Chair is a humbling experience. Chairs of all organizations and companies wish to report progress, improvements and enhanced performance during their respective incumbencies. We yearn to deliver good news. If not about the present, at the very least we wish to deliver a message of hope and betterment about the future. I am no exception to this rule.

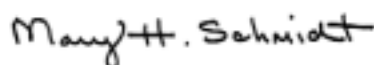
However, when I review fiscal year 2002 and the years back to 1975, I am frustrated by the almost random nature of the figures. I look for trends, for themes, for lessons learned and find few or none. For example, in this fiscal year filings decreased by 31%, the number of individual awards increased by 25% and total dollar amount of awards decreased by almost 45%. Then, in pending claims, I gaze at an all-time high of more than \$10 million.

However, three concrete realities make me hopeful, confident, and proud.

- ◆ First, the number of lawyers in the Commonwealth causing these claims remains consistently and remarkably small year after year. This year, 30 individuals — less than one-tenth of one percent of the 46,000 lawyers — were responsible for the misconduct requiring reimbursement.
- ◆ Second, thanks to the leadership and encouragement of the Supreme Judicial Court, the Board reimburses the full amount of the claimant's loss, except for good reason. This year we awarded 98.4% of the proven losses.
- ◆ Third, the very existence of the Board and the Fund is a tribute to the integrity, awareness and realistic worldview of the legal profession.

During these past five years my Board colleagues have been among the most talented, insightful, and hard-working lawyers I have ever known. With deep appreciation I acknowledge their contributions, assistance and counsel. My colleagues and I could never fulfill our responsibilities without the support, guidance and perspective of our gifted trio of Board Counsel. If only our gratitude to them could equal our reliance on them. Finally, I thank the Court for the honor of permitting me to participate in this most necessary and important work. The Court has been steadfast in its support and encouragement of the Board's work. For that, all of us are profoundly grateful.

Sincerely,



Mary H. Schmidt

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## OVERVIEW

In 1974, the Massachusetts Supreme Judicial Court created the Clients' Security Board and the Clients' Security Fund. The Board consists of seven Massachusetts lawyers appointed by the Court who, as trustees, manage and distribute the Fund to reimburse clients whose lawyers wrongfully took or misused client funds.

All money in the Fund comes from a single source: the registration fees paid by the lawyers of Massachusetts. No taxpayer dollars or other public funds are used. Members of the Board generously donate the significant time they devote to Board duties during their five-year terms. The lawyers who represent claimants before the Board also serve without compensation.

All fifty states and the District of Columbia have similar funds. Massachusetts, however, stands apart as one of the very few states whose Fund attempts to reimburse 100% of each claimant's loss, caused by a lawyer's defalcation, whatever the amount. As a result, the Board carries out its mission not only to rectify the wrongful conduct of those former members of the bar who have taken advantage of clients, but also to strengthen public confidence in the legal profession.

From 1975 through the end of fiscal year 2001 (August 31, 2001) the Board awarded a total of \$22.2 million to 1,113 claimants.

# CLAIMS ACTIVITY CHART

## Claims Activity, Fiscal Years 1975 — 2002

| FISCAL<br>YEAR | CLAIMS<br>FILED       | CLAIMS<br>DISMISSED |                | AWARD<br>AMOUNTS |                      | TOTAL<br>CLAIMS<br>PENDING |                        |
|----------------|-----------------------|---------------------|----------------|------------------|----------------------|----------------------------|------------------------|
|                | CLAIMS<br>ADJUDICATED |                     | AWARDS<br>MADE |                  | DEFALCATION<br>FOUND |                            | PENDING<br>CLAIMS AMT. |
| 1975           | 14                    | 7                   | 2              | 5                | \$2,808.00           | \$3,300.00                 | \$0                    |
| 1976           | 36                    | 28                  | 18             | 10               | \$44,635.00          | \$102,874.61               | \$40,000.00            |
| 1977           | 21                    | 18                  | 13             | 5                | \$22,100.80          | \$29,929.00                | \$162,000.00           |
| 1978           | 71                    | 34                  | 14             | 20               | \$64,734.00          | \$198,218.18               | \$0                    |
| 1979           | 53                    | 39                  | 29             | 10               | \$14,490.00          | \$50,010.66                | \$10,000.00            |
| 1980           | 126                   | 60                  | 38             | 22               | \$71,208.00          | \$210,564.42               | 98,979.00              |
| 1981           | 42                    | 126                 | 61             | 65               | \$244,276.18         | \$509,383.34               | \$124,414.55           |
| 1982           | 30                    | 29                  | 9              | 20               | \$80,212.00          | \$147,383.38               | 237,977.40             |
| 1983           | 35                    | 40                  | 7              | 33               | \$152,005.00         | \$292,295.54               | \$150,222.96           |
| 1984           | 45                    | 42                  | 17             | 25               | \$141,125.67         | \$252,035.43               | \$596,644.01           |
| 1985           | 46                    | 34                  | 12             | 22               | \$224,904.17         | \$366,320.22               | Not available          |
| 1986           | 23                    | 38                  | 7              | 31               | \$214,810.75         | \$408,222.01               | \$435,610.54           |
| 1987           | 42                    | 35                  | 12             | 22               | \$503,776.00         | \$578,541.42               | \$913,757.20           |
| 1988           | 28                    | 24                  | 13             | 11               | \$267,954.24         | \$334,718.29               | \$879,523.90           |
| 1989           | 51                    | 40                  | 16             | 24               | \$146,720.06         | \$188,003.67               | \$1,185,536.06         |
| 1990           | 74                    | 73                  | 18             | 55               | \$759,025.23         | \$1,062,513.53             | \$1,684,305.12         |
| 1991           | 71                    | 55                  | 20             | 35               | \$624,592.42         | \$701,168.42               | \$2,385,442.46         |
| 1992           | 124                   | 85                  | 16             | 69               | \$968,894.77         | \$997,394.78               | \$3,876,569.75         |
| 1993           | 146                   | 95                  | 22             | 73               | \$1,111,181.93       | \$1,145,546.27             | \$5,923,733.42         |
| 1994           | 109                   | 157                 | 27             | 130              | \$1,203,911.62       | \$1,301,225.72             | \$6,388,646.51         |
| 1995           | 90                    | 103                 | 35             | 68               | \$1,602,217.70       | \$1,837,125.44             | \$4,941,427.08         |
| 1996           | 139                   | 100                 | 33             | 67               | \$1,696,870.13       | \$2,770,734.17             | \$6,704,036.56         |
| 1997           | 81                    | 113                 | 30             | 83               | \$2,058,900.92       | \$2,348,443.15             | \$6,011,390.39         |
| 1998           | 119                   | 102                 | 46             | 56               | \$1,254,229.91       | \$1,313,307.70             | \$4,896,354.03         |
| 1999           | 80                    | 98                  | 32             | 66               | \$2,119,675.47       | \$2,512,843.05             | \$3,978,062.06         |
| 2000           | 83                    | 108                 | 22             | 86               | \$2,744,848.83       | \$2,812,926.57             | \$3,175,277.78         |
| 2001           | 119                   | 70                  | 15             | 55               | \$1,963,555.27       | \$1,963,555.27             | \$5,766,860.34         |
| 2002           | 82                    | 94                  | 25             | 69               | \$1,083,745.75       | \$1,101,111.59             | \$10,935,665.79        |

# ▶ CLAIM PROCEDURE

## ▶ **Losses Eligible for Reimbursement**

The Board may reimburse a client whose lawyer has stolen, embezzled or misappropriated money or other property from the client. A lawyer-client relationship (or a fiduciary relationship arising out of the lawyer-client relationship) must have existed between them, and the loss must have occurred while the lawyer represented the client.

The Board will not reimburse claims based on disputes about the amount of fees charged or the quality or adequacy of the legal services provided.

Finally, the Board will reimburse only when the wrongdoer was a Massachusetts lawyer and:

- ◆ has resigned;
- ◆ has been disbarred or suspended by the Supreme Judicial Court; or
- ◆ has died.

## ▶ **Filing a Claim**

Claim forms are available from the Board's office or from its web site. A claimant must fill out the form completely and send it to the Board's office together with all supporting documents such as receipts, cancelled checks, letters and agreements. Help from a lawyer is not necessary to fill out the form. However, if a lawyer does help a claimant prepare the form or does appear before the Board with the claimant, the lawyer may not charge a fee for providing such help.

## ▶ **Next Steps**

The Board promptly notifies the claimant that the claim form has been received. Then, the Board sends a copy of the claim to the lawyer accused of misconduct to allow him or her to respond to the accusations. The Board will also examine the claim to be certain that it has jurisdiction over it and to determine if the claimant may have a right to recover from another source, for example, a bank or an insurance company. If the Board believes there is a reasonable case to be made against a third party, it will ordinarily require the claimant to exhaust any alternative remedy as a condition for Board consideration. Meanwhile, the Board will take no action until the claimant reports back on the success or failure of those efforts.

If the Board needs more information, it will ask claimant or claimant's lawyer to provide it. The Board's staff receives, organizes and analyzes the information and in some cases will investigate independently. When the claim is complete, the matter will be scheduled for consideration at one of the Board's regular meetings. Recent Board practice is to meet formally eleven times each year. The claimant must file a financial statement and send it to the Board before the claim is heard.

## ► CLAIM PROCEDURE

### Deciding Claims

The Board decides a claim in one of two ways.

First, the Board may choose to decide after a complete and thorough review of all the papers submitted without the parties in attendance. Most claims are decided this way. Second, the Board may choose to conduct a hearing and request the parties to attend and testify. Lawyers representing either the claimant or the lawyer accused of misconduct may also attend.

Usually, the Board will vote whether or not to make an award on the day of the hearing. The Board seeks to apply principles of fairness, reasonableness and consistency in deciding whether to pay or reject claims in whole or in part under its rules and those of the Supreme Judicial Court. In addition, the Board may consider the degree of hardship suffered by any one claimant compared to other claimants and may take into account any negligence or other conduct of the claimant that may have contributed to the loss. ***No claimant has a right to receive payment from the Fund. All reimbursements are a matter of grace.***

### Notice, Payment and Transfer of Rights

Soon after making its decision, the Board will notify each claimant. If the Board decided in favor of reimbursement, payment is made to claimant as soon as reasonably practical. Before receiving payment a claimant must sign a subrogation agreement transferring to the Board claimant's rights to pursue claims for restitution against the lawyer or responsible third parties. If the Board denies reimbursement, the file is closed subject to reconsideration if the claimant presents new information not available at the time of the decision. Such instances are infrequent.

### Confidentiality

Applications, claimant financial statements, proceedings, investigations and reports involving specific claims for reimbursement shall be kept confidential according to Board rules. However, the Board may deliver claimant's application and related information to investigative agencies such as the Office of Bar Counsel, the Office of the Attorney General or the Office of the County District Attorney. The Board regularly publishes on its web site a summary of its decisions. Those summaries will identify the lawyer responsible for the loss but will ***not*** identify the claimant.

# ► FISCAL YEAR 2002

## **New Claims**

Claims filed during fiscal year 2002 decreased 31 percent from the previous year — 119 to 82.

## **Awards — General**

During fiscal year 2002, the Board made sixty-nine awards totaling \$1,083,745.75. This represents an increase in the number of awards, from 55 to 69, but a 44.8% decrease from the \$1,963,555.27 awarded in fiscal 2001. Once again, the number of lawyers whose misconduct caused the making of these awards is extremely small: 30. They represent less than 0.07% of all lawyers actively practicing in the Commonwealth.

The largest single award was \$172,000 and the smallest was \$300.00. Three lawyers – Stuart R. Abrams, Stephen J. Milstein and Maribeth King – were responsible for awards totaling \$648,431.24 or almost 60% of the total amount awarded by the Board.

In accordance with its policy of full reimbursement, during this fiscal year the Board reimbursed 100 percent of the loss in all but one of its sixty-nine awards. In that case the Board found a loss of \$57,886.12 but awarded only \$40,520.28. This thirty-percent reduction resulted from co-claimants' failure to pursue their former lawyer with sufficient diligence.



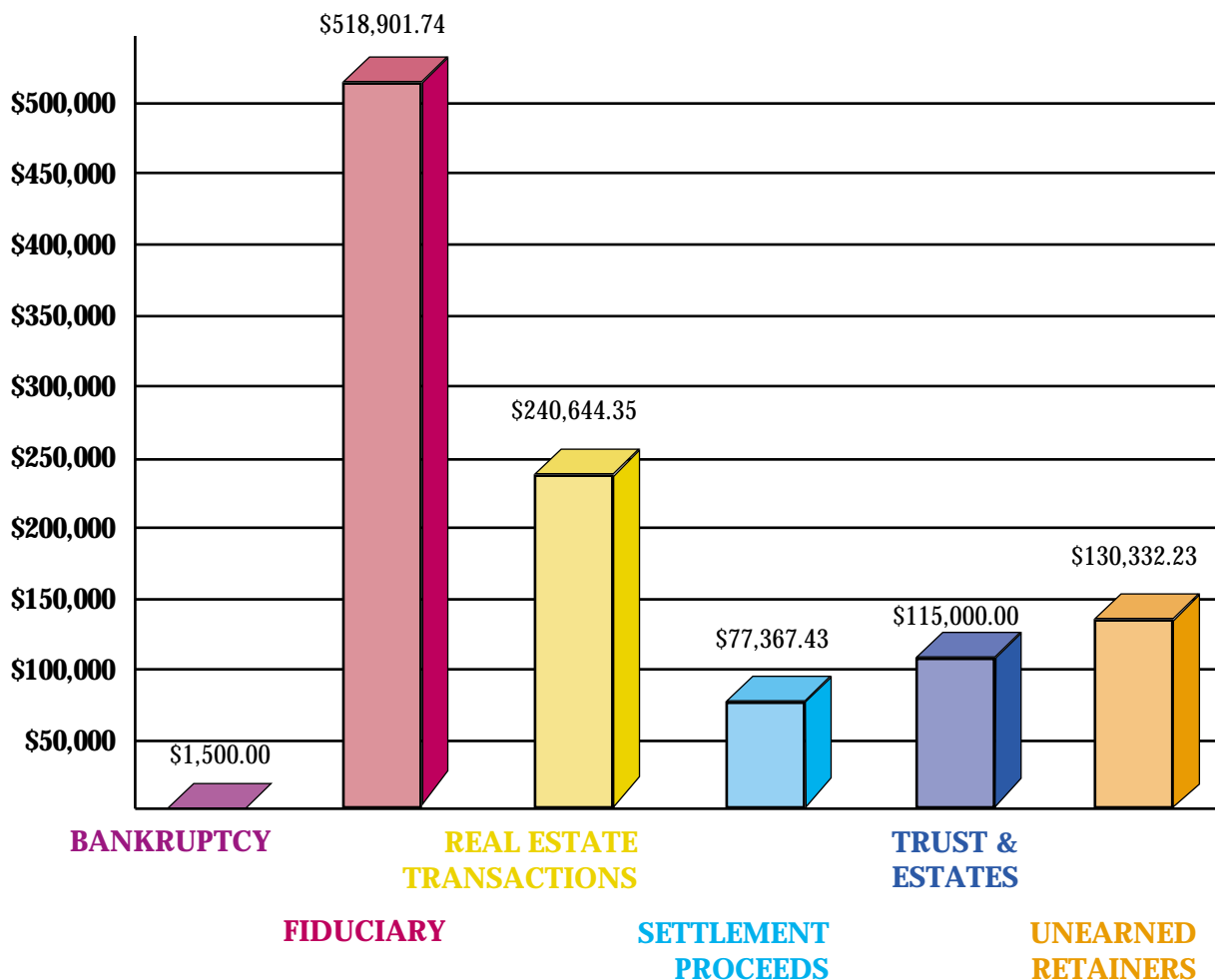
## ► FISCAL YEAR 2002

### ► Total Awards by Disciplined Attorney

| Attorneys' Names           | Town           | County     | Total Awarded |
|----------------------------|----------------|------------|---------------|
| Stuart R. Abrams           | Gloucester     | Essex      | \$320,000.00  |
| Stephen J. Milstein        | Seekonk        | Bristol    | \$206,352.69  |
| Maribeth King              | West Dennis    | Barnstable | \$122,078.55  |
| William C. McPhee          | Norwell        | Plymouth   | \$85,700.00   |
| Brian W. Chance            | Lowell         | Middlesex  | \$74,100.00   |
| Shirley A. Hoak            | Natick         | Middlesex  | \$65,000.00   |
| Paul B. Morley             | Canton         | Norfolk    | \$43,159.72   |
| Mel Dahl                   | Swansea        | Bristol    | \$40,520.28   |
| Edward K. Boyer            | Fall River     | Bristol    | \$20,350.00   |
| Dennis F. Jackson          | Lynn           | Essex      | \$16,040.00   |
| Richard S. Gonick          | Ipswich        | Essex      | \$13,000.00   |
| Macey J. Goldman           | Shrewsbury     | Worcester  | \$12,821.05   |
| Michael B. Corbin          | Medford        | Middlesex  | \$12,277.60   |
| Randall B. Warren          | Beverly        | Essex      | \$6,187.50    |
| Scott Albert Corliss       | Leominster     | Worcester  | \$5,900.00    |
| Lorraine Wilma Morgan      | East Weymouth  | Norfolk    | \$5,611.00    |
| John B. Shorton            | Norwood        | Norfolk    | \$5,537.00    |
| Jan Brown                  | Boston         | Suffolk    | \$4,963.25    |
| Richard Abbott             | Brighton       | Suffolk    | \$3,000.00    |
| James C. Corcoran          | Brewster       | Barnstable | \$3,000.00    |
| Ronald F. Spagnoli         | Lynn           | Essex      | \$2,888.00    |
| Joseph A. Bachorowski      | Plymouth       | Plymouth   | \$2,500.00    |
| David H. Davidson          | Southboro      | Worcester  | \$2,500.00    |
| John G. Vallis             | South Hamilton | Essex      | \$2,455.13    |
| Barbara B. Clurman         | Sudbury        | Middlesex  | \$2,079.98    |
| Brian J. Feeney            | Harwich        | Barnstable | \$1,750.00    |
| Joseph G. Albiani          | Stoneham       | Middlesex  | \$1,500.00    |
| Douglas E. O'Neil          | Lowell         | Middlesex  | \$1,000.00    |
| Charles William Kulikowski | Amherst        | Hampshire  | \$824.00      |
| Danuta Danek Jurczyk       | Cotuit         | Barnstable | \$650.00      |

## ► FISCAL YEAR 2002

### Awards by Category Chart



### Fiscal Year 2002 Awards by Category

| CATEGORY                 | NUMBER OF CLAIMS | PERCENT OF TOTAL | AMOUNT AWARDED        | PERCENT OF TOTAL |
|--------------------------|------------------|------------------|-----------------------|------------------|
| Fiduciary                | 6                | ( 8.7%)          | \$518,901.74          | (47.9%)          |
| Real Estate Transactions | 12               | (17.4%)          | 240,644.35            | (22.2%)          |
| Unearned Retainers       | 42               | (60.9%)          | 130,332.23            | (12.0%)          |
| Trust & Estates          | 2                | (2.9%)           | 115,000.00            | (10.6%)          |
| Settlement Proceeds      | 6                | (8.6%)           | 77,367.43             | (7.2%)           |
| Bankruptcy               | 1                | (1.5%)           | 1,500.00              | (0.1%)           |
| <b>TOTAL</b>             | <b>69</b>        | <b>(100.0%)</b>  | <b>\$1,083,745.75</b> | <b>(100.0%)</b>  |

## ► FISCAL YEAR 2002

### Awards by Category

#### **FIDUCIARY: 6 awards, \$518,901.74**

This misconduct involves the misuse of funds held by a lawyer as a fiduciary arising out of a lawyer-client relationship. For the first time, this category displaced trusts & estates as the leader in reimbursed losses. Three lawyers, Stuart R. Abrams, Maribeth King and Shirley Hoak, accounted for 97.7% (\$507,078.55) of the total amount awarded. Four of their former clients received awards of \$172,000, \$148,000, \$122,078.55 and \$65,000.00. The first two awards resulted from the misappropriation of state lottery funds won by claimants. The third and fourth, respectively, involved the misappropriation of an escrow fund in a divorce settlement and a fund earmarked for claimants' creditors. In fiscal year 2001 the Board made no awards in this category.

#### **REAL ESTATE: 12 awards, \$240,644.35**

By misappropriating deposits, escrows or sale proceeds in six separate matters one lawyer, Stephen J. Milstein, was responsible for half of the real estate awards and more than 85% (\$206,352.69) of the total awarded in this category. Compared to fiscal year 2001, the number of awards doubled from 6 to 12, but the dollar amount fell by almost half, \$473,638 vs. \$240,644.

#### **UNEARNED RETAINERS: 42 awards, \$130,332.23**

When more than forty awards range between a low of \$300 and a high of \$16,040, it is difficult to draw meaningful conclusions about this category. Three lawyers accounted for twenty awards (47.6%) totaling \$75,090 or 57.6% of the dollars awarded. Fiscal year 2002 marked a significant increase over the prior year both in number of claims (42 vs. 14) and the total amount awarded (\$130,332 vs. \$41,773).

#### **TRUSTS & ESTATES: 2 awards, \$115,000.00**

The number of awards in this category fell by more than 87% (16 to 2), and the amount of these two awards was \$115,000, a 91% decrease from the \$1,278,279 awarded in fiscal year 2001. These two losses (\$68,000 and \$47,000) involved misappropriation from trust funds. This fiscal year appears to be a one-year aberration. In fiscal year 2003 this category will once again be the largest area of lawyer defalcations. (See page 13)

#### **SETTLEMENT PROCEEDS:<sup>1</sup> 6 awards, \$77,367.43**

The misconduct of one lawyer in a single matter accounted for more than half (\$40,520.28) of the amount awarded in this category. Of the remaining five awards, two slightly exceeded \$12,000 while the remaining three were between \$824 and \$6,187. During fiscal year 2001, the Board awarded \$160,431.18 on fourteen claims. This fiscal year represents a 57% decline in awards and almost a 52% drop in the amount awarded.

#### **BANKRUPTCY: 1 award, \$1,500**

Compared to fiscal 2001, this single award represents a 75% drop (1 vs. 4) in the number of awards and an approximate 83% decline in total dollars awarded (\$1,500 vs. \$9,082.64).

<sup>1</sup> Although two-thirds (4) of the settlements were in personal injury cases, they accounted for less than one-third (\$24,569.55) of the total amount awarded. One settlement (\$12,277.60) involved a real estate matter and one (\$40,520.28), accounting for more than half of the total awarded, was a stock fraud case.

## ► FISCAL YEAR 2002

### Dismissed Claims

The Board dismissed twenty-five claims seeking an aggregate of \$1.9 million. In fiscal years 2000 and 2001 dismissals numbered twenty-two and fifteen, respectively.

Almost half the dismissals resulted from a finding of no defalcation or theft from the claimant. Among those, the Board dismissed claims filed by two family members totaling

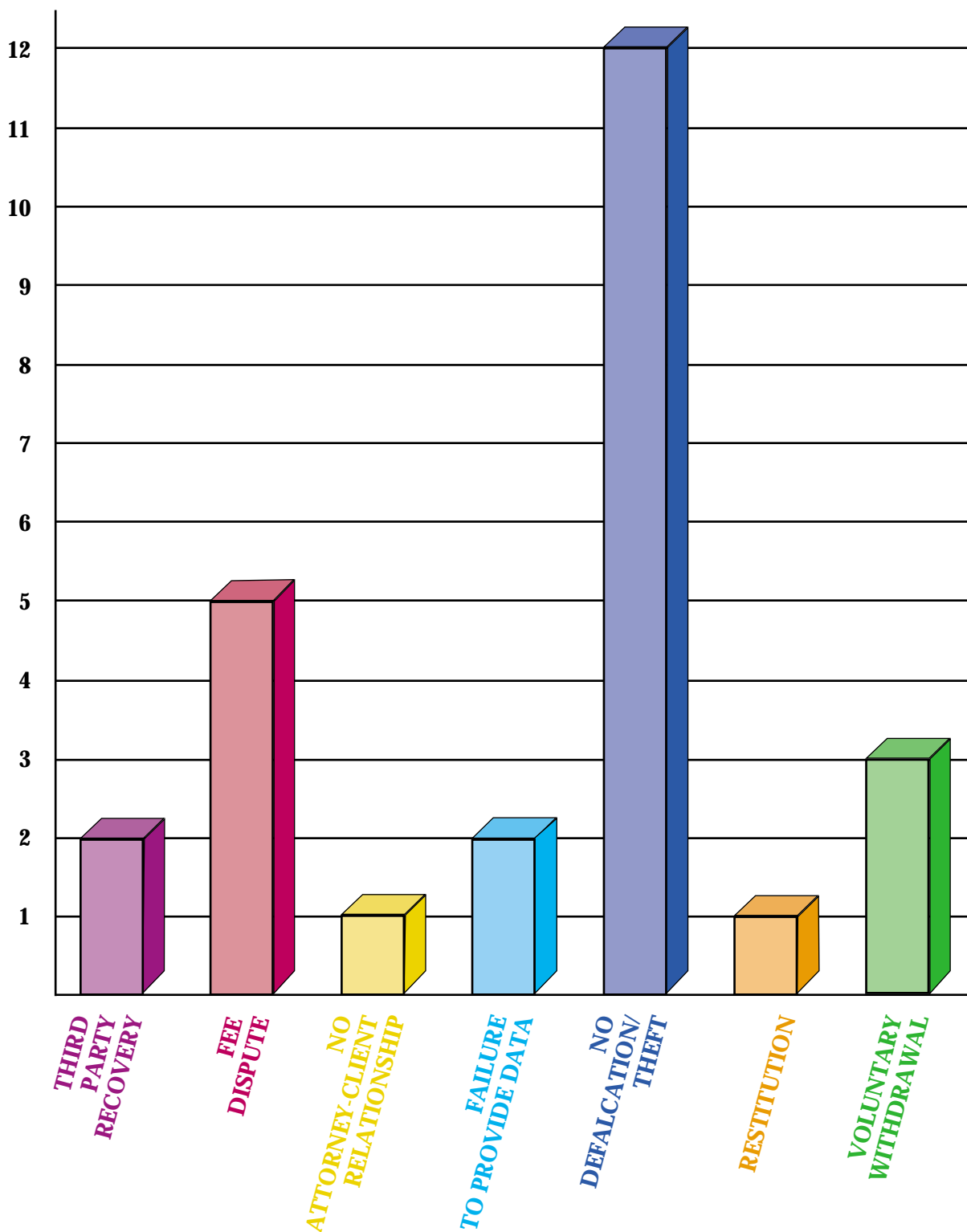
\$1.2 million where the claimants had recently obtained discharges in bankruptcy for over \$2.2 million. The grounds for this denial were that any award would be an unwarranted windfall or unjust enrichment of the claimants.

The other significant category was fee disputes between claimant and lawyer accounting for five (20%) dismissals.

### Fiscal Year 2002 Dismissed Claims

| REASON FOR DISMISSAL            | NUMBER<br>DISMISSED | PERCENT<br>TOTAL |
|---------------------------------|---------------------|------------------|
| No defalcation                  | 12                  | 48%              |
| Fee dispute                     | 5                   | 20%              |
| Voluntary withdrawal            | 2                   | 8%               |
| No data to support claim        | 2                   | 8%               |
| Recovery from 3rd party         | 2                   | 8%               |
| Lawyer made restitution         | 1                   | 4%               |
| No attorney-client relationship | 1                   | 4%               |
| <b>TOTAL</b>                    | <b>25</b>           | <b>100%</b>      |

## Dismissed Claims Chart



## ► FISCAL YEAR 2002

### Pending Claims

At the end of fiscal year 2002 pending claims stood at an all-time high of \$10.9 million. Previously, the highest amount was in fiscal year 1996 when pending claims were \$6.7 million.

In July 2002, Morris Goldings began a prison term following guilty pleas to twenty-five counts of mail and wire fraud and money laundering. Eight former Goldings clients have filed claims seeking \$7.97 million. The Board is monitoring these claims closely in order to determine the availability of recovery from professional liability insurance, Goldings' former law partners or other third parties who may share liability for the alleged losses.

During fiscal year 2002, the Board obtained restitution of \$146,260.33, a 67.8% increase over the prior year. Court-ordered restitution in criminal cases accounted for \$71,461.14. Board actions against former lawyers generated \$23,228.63 and voluntary payments from individuals seeking reinstatement produced \$1,560.00.

When professional liability insurance carriers, former law partners or other third parties reimburse claimants in whole or in part, they demand releases from the claimants in exchange for the payments. In such circumstances, the transfer of rights from claimant to the Board is an empty formality because the release prevents the Board (as transferee of claimant's rights) from pursuing the third party. In those situations, the Board encourages claimants to press energetically for the best settlement possible under the circumstances. The Board cautions claimants that it will not automatically make up the shortfall between the claimant's loss and the third party's partial reimbursement. Rather, it reserves the right to make its own independent review of the settlement and all other factors surrounding the claimed loss.

### Restitution

The Board's three most fruitful means of recovering subrogation claims are civil actions, restitution orders as part of any criminal sentence, and payments from lawyers seeking reinstatement to practice law.

### Pending Claims as of August 31, 2002

| CATEGORY               | CLAIMS<br>PENDING | PERCENT<br>OF TOTAL<br>CLAIMS | TOTAL<br>MONETARY<br>CLAIMS | PERCENT OF<br>MONETARY<br>CLAIMS |
|------------------------|-------------------|-------------------------------|-----------------------------|----------------------------------|
| Bankruptcy             | 5                 | 4.3%                          | \$21,259.00                 | 0.19%                            |
| Federal Benefits       | 1                 | 0.9%                          | \$18,478.00                 | 0.17%                            |
| Fiduciary              | 7                 | 6.1%                          | \$2,907,780.26              | 26.59%                           |
| Investment Proceeds    | 3                 | 2.6%                          | \$267,669.81                | 2.45%                            |
| Real Estate            | 10                | 8.7%                          | \$1,570,022.55              | 14.36%                           |
| Settlement Proceeds    | 42                | 36.5%                         | \$465,823.36                | 4.26%                            |
| Tax Payments           | 1                 | 0.9%                          | \$50,000.00                 | 0.46%                            |
| Trust and Estate Funds | 16                | 13.9%                         | \$5,457,615.41              | 49.91%                           |
| Unearned Retainer      | 30                | 26.1%                         | \$177,017.40                | 1.62%                            |
| <b>TOTAL</b>           | <b>115</b>        | <b>100%</b>                   | <b>\$10,935,665.79</b>      | <b>100%</b>                      |

## ► PRO BONO LAWYERS

The Board is pleased to publicly acknowledge and thank the twenty-eight lawyers listed on the following pages who generously contributed their time and talents, *pro bono publico*, to represent claimants before the Board during fiscal year 2002.

### **Christopher D. Affsa**

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## ▶ WILLIAM J. LEDOUX AWARD RECIPIENTS

**William J. LeDoux** served as a member of the Board from 1987 to 1997, including seven years as Chairman. He distinguished himself by tirelessly advancing the Board's goals of serving the public. In 1997 the Board established this award to recognize a lawyer who has demonstrated extraordinary skill and perseverance in representing a claimant before the Board.



**William J. LeDoux**  
(1931 - 1999)



**Peter H. Sutton**  
1998 Recipient



**Nathan H. Proctor**  
1999 Recipient



**Charles F. Proctor**  
1999 Recipient



**Thomas G. Hoffman**  
2000 Recipient



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2002 Recipient

## ▶ CLIENTS' SECURITY BOARD MEMBERS



### **Mary H. Schmidt, Chair**

Appointed 1997

She is a former president of the Boston Estate Planning Council and a former Chair of the Trusts and Estates Section of the Boston Bar Association. Ms. Schmidt is a founding partner of Packenham, Schmidt & Federico, P.C. in Boston.



### **Mark N. Berman, Vice Chair**

Appointed 1997

He is a stockholder in the Boston firm of Hutchins, Wheeler & Dittmar. His practice concentrates on bankruptcy law, corporate reorganizations, workouts, and commercial law. From 1995 to 1997 he chaired the Boston Bar Association's Business Law Section and its Bankruptcy Committee from 1990 to 1992.



### **Evelynne L. Swagerty, Secretary/Treasurer**

Appointed 1999

She is Senior Counsel at FleetBoston Financial within the Litigation Group of the Corporate Legal Department. She is a former member of the Board of Directors of the Women's Bar Association, is a past president of the Massachusetts Black Women Attorneys, and currently chairs the In-House Committee of the Women's Bar Association.



### **Joseph D. Steinfield**

Appointed 1998

He is a member of the Boston firm of Hill & Barlow, P.C. where he specializes in business and First Amendment litigation. He is a Fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers, and is a member of the American Law Institute. He is Adjunct Professor of Law at Boston College Law School.

## ▶ CLIENTS' SECURITY BOARD MEMBERS

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### **Edward W. McIntyre**

Appointed 1999

He is a solo practitioner in Clinton, Massachusetts concentrating in civil litigation. He is a member of the Supreme Judicial Court's Pro Bono Committee, a hearing committee member of the Board of Bar Overseers, past president of the Worcester County Bar Association, and a director of the Worcester Bar Foundation.



### **Peter H. Sutton**

Appointed 2000

He is a senior partner and Chair of the litigation department in the Boston law firm of Riemer & Braunstein LLP. He specializes in general business litigation with an emphasis on banking law, bankruptcy, creditors rights, and fraudulent transfer law. He is a co-founder and current President of the Hellenic Bar Association and is active in numerous civic and charitable organizations.



### **John R. Gobel**

Appointed 2001

He is a partner in the Pittsfield firm of Gobel & Hollister where he is engaged in the general practice of law. Mr. Gobel is a former lecturer at the Berkshire Community College, the Paralegal Institute, and the Massachusetts Bar Association's Continuing Legal Education Program. He is also a former Chair of the Probate Court Committee of the Berkshire County Bar Association.

## ▶ CLIENTS' SECURITY BOARD COUNSEL



**Michael Fredrickson** is counsel to the Clients' Security Board. He received his bachelor's degree in English from Macalester College, attended Oxford University as a Rhodes Scholar, and did graduate work in English literature at the University of Toronto. After receiving his law degree from Harvard Law School, he worked for over five years as an associate at the Boston law firm of Hill & Barlow before taking his present position with the Clients' Security Board. He also serves as general counsel to the Board of Bar Overseers, the state's lawyer disciplinary agency.



**Karen D. O'Toole** has been the assistant board counsel to the Clients' Security Board and the associate general counsel to the Board of Bar Overseers since 1989. From 1986 until 1989, Ms. O'Toole was an associate at the law firm of Hoch & McHugh in Boston practicing maritime law. She received her B.A. from Carnegie-Mellon University, her M.S.W. from the University of Michigan, and her J.D. from Northeastern University.



**Julie A. Rubin** served as assistant board counsel from December 1998 through July 2002. During that time, she graced the Board with her sound judgement, detailed analysis and joyful sense of humor. In addition, Julie played a major role in the development and maintenance of CSB's web site. An employment opportunity for Julie's husband has spirited her off to Pittsburgh. We offer her our heartfelt appreciation and best wishes through all life's journeys.

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